

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

IN RE HERALD, PRIMEO, AND THEMA  
FUNDS SECURITIES LITIGATION

ECF Case

Case No. 09 Civ. 0289 (RMB)

This document relates to:

Case No. 09 Civ. 2558 (RMB)

NEVILLE SEYMOUR DAVIS, on behalf of  
himself and all others similarly situated,

Plaintiff,

vs.

ALBERTO BENBASSAT, STÉPHANE  
BENBASSAT, GENEVALOR, BENBASSAT &  
CIE, GERALD J.P. BRADY, JOHN  
HOLLIWELL, SONJA KOHN, DANIEL  
MORRISSEY, PETER SCHEITHAUER, DAVID  
T. SMITH, WERNER TRIPOLT, BANK MEDICI  
AG, UNICREDIT SPA, HSBC INSTITUTIONAL  
TRUST SERVICES (IRELAND) LTD., HSBC  
SECURITIES SERVICES (IRELAND) LTD.,  
HSBC HOLDINGS PLC,  
PRICewaterHOUSECOOPERS  
INTERNATIONAL LTD.,  
PRICewaterHOUSECOOPERS (DUBLIN),  
PRICewaterHOUSECOOPERS LLP,  
PRICewaterHOUSECOOPERS BERMUDA,  
THEMA ASSET MANAGEMENT LIMITED,  
THEMA INTERNATIONAL FUND PLC, BA  
WORLDWIDE FUND MANAGEMENT  
LIMITED, PETER MADOFF, ANDREW  
MADOFF, MARK MADOFF, WILLIAM FRY, JP  
MORGAN CHASE & CO., and THE BANK OF  
NEW YORK MELLON,

Defendants.

**LEAD PLAINTIFF NEVILLE SEYMOUR DAVIS'S NOTICE OF APPEAL**

PLEASE TAKE NOTICE that, under 28 U.S.C. § 1291, Lead Plaintiff Neville Seymour Davis, on behalf of himself and all others similarly situated, appeals to the United States Court of Appeals for the Second Circuit from:

- (1) the Final Judgment entered on December 12, 2011 (Dkt. No. 360);
- (2) the Decision & Order entered on December 8, 2011 (Dkt. No. 356);
- (3) the Decision & Order entered November 29, 2011 (Dkt. No. 351);
- (4) the Decision & Order entered September 15, 2011 (Dkt. No. 318);
- (5) the Order entered on September 8, 2011 (Dkt. No. 313); and
- (6) the Decision & Order entered on September 7, 2011 (Dkt. No. 312).

Dated: January 11, 2012

CHAPIN FITZGERALD  
SULLIVAN & BOTTINI LLP  
Francis A. Bottini, Jr. (*pro hac vice*)  
Albert Y. Chang (AC 5415)

s/ Francis A. Bottini, Jr.

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